

No.

CR - 09 00719

RMW

RS

FILED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

2009 JUL 15 P 1:31  
RICHARD W. WIEKING  
CLERK  
DISTRICT COURT  
NO. DIST. OF CA. S.J.

SEALED BY ORDER  
OF THE COURT

THE UNITED STATES OF AMERICA

vs.

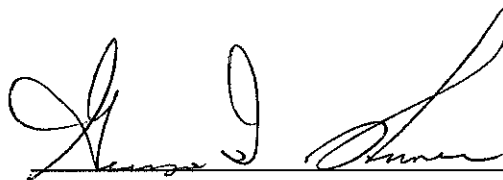
GREGORY ALEXANDER

INDICTMENT

COUNTS ONE-THIRTY-FOUR: 18 U.S.C. § 1030(a)(2)(C) - Computer Intrusion

COUNT THIRTY-FIVE: 18 U.S.C. § 1028(A)(a)(1) and 1030(c)(2)(B)(ii)-  
Aggravated Identity Theft

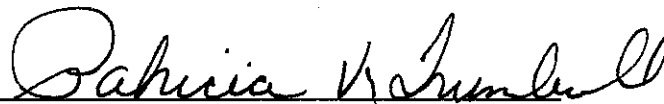
*A true bill.*



Foreperson

Filed in open court this 15<sup>th</sup> day of July

A.D. 2009



United States Magistrate Judge

Bail. \$ NO Bail

DOCUMENT NO.	CSA's INITIALS
<u>12</u>	
DISTRICT COURT CRIMINAL CASE PROCESSING	

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JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RMW

CR - 09 00719  
No.

RS

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY ALEXANDER,

Defendant.

VIOLATIONS: 18 U.S.C. § 1030(a)(2)(C)  
and (c)(2)(B)(ii)-Intentionally Accessing a  
Computer Without Authorization; 18 U.S.C.  
§ 1028(A)(a)(1)-Aggravated Identity Theft

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

1. The United States Chess Federation (USCF), headquartered in Crossville, Tennessee, was a not-for-profit membership organization founded in 1939 for chess players and chess supporters consisting of over 80,000 members and 2,000 affiliated chess clubs and organizations.

2. Yahoo! (Yahoo) was an Electronic Communications Service Provider providing electronic mail ("e-mail") and other services to the public in the United States and abroad, and its

1 e-mail computers and servers for the yahoo.com domain were located in Sunnyvale, California.  
 2 Yahoo's e-mail accounts required the entry of the account holder's username and password  
 3 before access to the account was granted.

4 3. Randall Hough (Hough) was a resident of Alhambra, California and a member of  
 5 the USCF's Board of Directors. Hough was the subscriber of the e-mail account:  
 6 randallhough@yahoo.com provided by Yahoo. Hough did not authorize anyone to access his  
 7 Yahoo e-mail account.

8 4. Gregory Alexander (ALEXANDER) was a resident of Everett, Washington, and  
 9 worked in the Internet Technology offices of the University of Washington. ALEXANDER also  
 10 served as a volunteer web developer who maintained and moderated the Chess Discussion Forum  
 11 on the website known as chessdiscussion.com

12  
 13 COUNT ONE THROUGH THIRTY-FOUR: (18 U.S.C. 1030(a)(2)(C) and (c)(2)(B)(ii) -  
 14 Intentionally Accessing A Computer  
 Without Authorization)

15 6. The factual allegations in paragraphs 1 through 4 are re-alleged and incorporated  
 16 herein as if set forth in full.

17 7. On or about the dates set forth below, in the Northern District of California,  
 18 GREGORY ALEXANDER  
 19 intentionally and without authorization accessed a protected computer, to wit: the e-mail server  
 20 operated by Yahoo administering the e-mail account randallhough@yahoo.com, by means of  
 21 interstate communications, and thereby obtained information from said protected computer, on  
 22 the dates and times as set forth below:

Count	Date/Time of Unauthorized Access
1	Tue 23:49:44 (PST) 24-Jun-2008
2	Mon 00:17:27 (PST) 23-Jun-2008
3	Sat 00:54:31 (PST) 21-Jun-2008
4	Mon 07:52:46 (GMT) 02-Jun-2008

5	Thu 06:53:44 (GMT) 29-May-2008
6	Sat 06:52:13 (GMT) 19-Apr-2008
7	Thu 06:56:55 (GMT) 18-Apr-2008
8	Wed 06:34:24 (GMT) 16-Apr-2008
9	Tue 00:43:49 (PST) 15-Apr-2008
10	Mon 07:22:59 (GMT) 14-Apr-2008
11	Sun 08:14:05 (GMT) 13-Apr-2008
12	Sat 08:22:24 (GMT) 12-Apr-2008
13	Fri 00:35:02 (PST) 11-Apr-2008
14	Thu 01:28:50 (PST) 10-Apr-2008
15	Fri 22:33:14 (PST) 10-Apr-2008
16	Wed 08:49:09 (GMT) 12-Mar-2008
17	Sun 11:02:28 (GMT) 09-Mar-2008
18	Sat 09:06:32 (GMT) 08-Mar-2008
19	Wed 08:02:06 (GMT) 05-Mar-2008
20	Tue 08:33:27 (GMT) 04-Mar-2008
21	Sun 08:53:12 (GMT) 02-Mar-2008
22	Sat 08:50:33 (GMT) 01-Mar-2008
23	Tue 09:24:49 (GMT) 26-Feb-2008
24	Sun 09:38:17 (GMT) 17-Feb-2008
25	Sun 09:30:06 (GMT) 17-Feb-2008
26	Sun 08:54:02 (GMT) 20-Jan-2008
27	Fri 07:59:00 (GMT) 18-Jan-2008

28	Thu 06:49:03 (GMT) 17-Jan-2008
29	Wed 09:34:00 (GMT) 02-Jan-2008
30	Sat 00:42:07 (PST) 01-Dec-2007
31	Fri 23:57:25 (PST) 29-Nov-2007
32	Wed 08:04:02 (GMT) 28-Nov-2007
33	Tue 08:03:31 (GMT) 27-Nov-2007
34	Mon 09:00:49 (GMT) 26-Nov-2007

All in violation of 18 U.S.C. §§ 1030(a)(2)(C) and (c)(2)(B)(ii).

COUNT THIRTY-FIVE: (18 U.S.C. § 1028A(a)(1)--Aggravated Identity Theft)

8. The factual allegations in paragraphs 1 through 4 are re-alleged and incorporated herein as if set forth in full.

9. On or about November 2007 and continuing through on or about August 2008, in the Northern District of California,

GREGORY ALEXANDER

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the username and password used to access information on a computer, during and in relation to an offense under 18 U.S.C. §§ 1030(a)(2)(C) and (c)(2)(B)(ii), namely, felony fraud

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1 in connection with computers, said offense being a felony enumerated in 18 U.S.C. §  
2 1028A(a)(1).

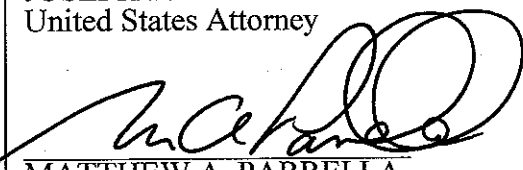
3 DATED: 07/15/09

A TRUE BILL.

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FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
MATTHEW A. PARRELLA  
Chief, Computer Hacking and Intellectual Property Unit

(Approved as to form:   
AUSA RICHARD CHENG

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**Counts 1-34: 18 U.S.C. § 1030(a)(2)(C) -  
Computer Intrusion  
Count 35: 18 U.S.C. § 1028(A)(a)(1) and 1030  
(c)(2)(B)(ii) - Aggravated Identity Theft☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**Counts 1-34 - 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment fee  
Count 35 - 2 year term of imprisonment to be imposed consecutively to any other term of imprisonmentSEALED BY ORDER  
OF THE COURT**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Kyle Haynes - U.S. Secret Service

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

AUSA RICHARD CHENG

Name of District Court and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT -

GREGORY ALEXANDER

DISTRICT COURT NUMBER

RICHARD W. WIERING  
CLERK  
U.S. DISTRICT COURT  
NORTHERN DIST. OF CAL. S.J.

RMW

CR - 09 00719

RS

**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

**DATE TRANSFERRED  
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: